UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA

LINITED STATES OF AMERICA

| CIVILED STATES OF AMERICA | |) Case: 3:12-CR-00080-RRB | | | |
|---------------------------|---|---|--|--|--|
| | vs. | |) | ORDER ON PETITION | |
| Jeremy Lee Smith | | |) | | |
| | v | | 0 00 | nder Under Supervised Release filed on Γ IS HEREBY ORDERED that: | |
| [X] | that the petition, prosealed in the Clerk's the arrest of the offer Magistrate Judge for | bation officer's d file and disclose nder. The petition initial appearanthe Magistrate Jud | leclaration, to do only to the on for Super ce/preliminadge only upo | ivered to the U.S. Marshal's Service; and this order, and a copy of the warrant be e U.S. Attorney for their official use, until rvised Release revocation is referred to the ary hearing(s). The evidentiary hearing, if on consent; otherwise the evidentiary Court Judge. | |
| [] | A summons be issued. The petition for Supervised Release revocation is referred to the Magistrate Judge for initial appearance/preliminary hearing(s). The evidentiary hearing, if any, will be before the Magistrate Judge only upon consent; otherwise the evidentiary hearing will be before the undersigned District Court Judge. | | | | |
| [] | Other: | | | | |
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| | Dated this | _ day of | | , 20 | |
| | | | - | h R. Beistline or U.S. District Judge | |

Supervised Release Cases: Pursuant to 18.U.S.C. § 3401(i), the sentencing District Court may designate a Magistrate Judge to conduct hearings to modify, revoke, or terminate supervised release, including evidentiary hearings, and to submit to the Court proposed findings of facts and recommendations, including disposition recommendations.

Probation Cases: Pursuant to *United States v. Frank F. Colacurcio*, 122 F.3d 1074 (9th Cir. 1997), a Magistrate Judge has the authority to conduct a probation revocation hearing only if the following three conditions are satisfied: (1) the defendant's probation was imposed for a misdemeanor; (2) the defendant consented to trial, judgment, and sentence by a Magistrate Judge; and (3) the defendant initially was sentenced by a Magistrate Judge. Therefore, a District Court may not designate a Magistrate Judge to conduct revocation hearings on probation cases where a District Court was the sentencing Court.